

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff

vs.

JASON UNRUH,

Defendant.

8:23CR215

PLAINTIFF'S SENTENCING
MEMORANDUM

Plaintiff, United States of America, by and through the undersigned Assistant United States Attorney for the District of Nebraska, offers its written Sentencing Memorandum in advance of the sentencing hearing scheduled for January 31, 2025.

Procedural History

On August 3, 2023, FBI surveillance observed the defendant, Jason Unruh ("Unruh") meet with codefendant Jonathan Ovalle-Solis. During the observed meet, Unruh entered Ovalle's vehicle and exited with a package of what appeared to be a white substance in a clear bag. This deal was filmed.

In a subsequent TextNow search warrant on the phone number belonging to codefendant and known methamphetamine supplier, Oscar Cebreros-Tirado, messages confirmed that Unruh was coordinating with Tirado to buy a pound of methamphetamine. Messages confirm date, time, vehicles, and location of August 3, 2023, observed deal. Messages from TextNow show multiple deals between Unruh and Tirado. Messages indicate Unruh would pick up pound quantities on multiple occasions in August and September of 2023.

The messages from Tirado to Unruh would typically give an address and vehicle description of who Unruh was to meet. The locations were almost always the same couple of public parking lots Tirado used for all codefendants and other customers. Agents have matched up the messages with physical surveillance to verify the above stated deal with Unruh.

An Indictment was filed for drug conspiracy on October 17, 2023, but the defendant was not charged in it. On January 17, 2024, the Grand Jury for the District of Nebraska returned a five-count Superseding Indictment which named Unruh as one of the codefendants. (Filing No. ¶ 61). Unruh was charged only in Count I with violating Title 21, United States Code, Section 846, conspiracy to distribute and possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine.

On January 31, 2024, the defendant had his initial appearance where a detention hearing was held and the defendant submitted on the matter of detention. The government's oral motion for detention was granted as to flight and danger. (Filing No. 114; Filing No. 116).

On November 7, 2024, the defendant pled guilty to Count I of the Superseding Indictment. The parties agreed that the defendant should be held responsible, beyond a reasonable doubt, for at least 1.5 kilograms, but less than 5 kilograms of a mixture of methamphetamine and that the defendant's offense level should be increased by 2 levels, pursuant to USSG § 2D1.1(b)(5) as the offense involved the importation of methamphetamine. The plea of guilty was accepted, but the plea agreement was not approved at that time, pending review of Presentence Investigation. (Filing No. 249; Filing No. 252).

On December 19, 2024, a Presentence Investigation Report and was sent to the parties calculating a Total Offense Level 31 and a Criminal History Category VI, with a guideline imprisonment range of 188 months to 235 months (PSR ¶ 114).

On January 24, 2025, a Sentencing Recommendation was sent to the parties and the Court recommending a sentence of 188 months' imprisonment.

Sentencing

The government believes the PSR has been calculated correctly. At sentencing the government will ask the Court to follow the terms of the plea agreement and the Sentencing Recommendation.

Conclusion

At the sentencing hearing, Plaintiff will ask the Court to sentence the defendant to a term of imprisonment of 188 months.

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CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all registered participants. I also hereby certify that a copy of the same was served by regular mail, postage prepaid, to the following non-CM/ECF participants:

Lisa Mayland
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s/ Thomas J. Kangior
THOMAS J. KANGIOR
Assistant U.S. Attorney